

No. 18-8033

**BANKRUPTCY APPELLATE PANEL  
OF THE SIXTH CIRCUIT**

**FILED**  
Jul 31, 2018  
DEBORAH S. HUNT, Clerk

In re: MARY J. FARRIER,  
  
Debtor.

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O R D E R

Before: DALES, OPPERMAN, and WISE, Bankruptcy Appellate Panel Judges.

On July 26, 2018, Mary J. Farrier (“Debtor-Appellant”) filed a three page document entitled “RESPOND [sic] TO DISMISSAL NOTICE ON FILING FEES AND CASE.” The Bankruptcy Court for the Southern District of Ohio interpreted this document as a notice of appeal from the court’s June 21, 2018 order and transmitted it to the Bankruptcy Appellate Panel of the Sixth Circuit. This document, although not on an official form, and not titled notice of appeal, does reference the June 21, 2018 ruling and invokes the Debtor-Appellant’s “right to ask a Higher Court to set the Judge Ruling aside[.]” Moreover, the document clearly expresses a desire to have the matter “addressed and resolved in an outside US District Court[.]” In fact, four separate references are made therein to the Debtor-Appellant’s desire to have the matter heard by the district court.

Federal Rule of Bankruptcy Procedure 8005 provides:

To elect to have an appeal heard by the district court, a party must:

- (1) file a statement of elections that conforms substantially to the appropriate Official Form; and
- (2) do so within the time prescribed by 28 U.S.C. § 158(1).

Fed. R. Bankr. P. 8005. This document has been construed as a notice of appeal, and it states that the Debtor-Appellant has elected to have the matter heard by the district court in accordance with Bankruptcy Rule 8005 and 28 U.S.C. § 158(c)(1)(A).

Because the Debtor-Appellant elected to have this matter heard by the district court, the case shall be **TRANSFERRED** to the United States District Court for the Southern District of Ohio.

**IT IS SO ORDERED.**

ENTERED BY ORDER OF THE PANEL

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written above a horizontal line.

Deborah S. Hunt, Clerk